



October 20, 2023

VIA ECF

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The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

I write on behalf of the *Federal Insurance* Plaintiffs, in response to last evening's letter from James Bernard of Stroock & Stroock & Lavan LLP, requesting a confidential conference before Your Honor to discuss the status of discussions relating to possible resolution of "issues relating to a common benefit fund award." ECF No. 9384 at 1. Mr. Bernard's letter indicates that he is writing on behalf of counsel for the *Havlish* plaintiffs and "attorneys of other law firms," and that *Havlish* counsel and those unidentified other attorneys have been engaged in resolution discussions. Mr. Bernard's letter requests that the proposed conference before Your Honor be limited to attorneys "from these law firms."

We write to apprise Your Honor that our firm has not been included in any of the resolution discussions referenced in Mr. Bernard's letter, despite having an interest in the common benefit fund issues. That interest is evident from the briefing before Your Honor and Judge Daniels, and was reaffirmed by us in direct conversations with several of the interested firms following Judge Daniels' August 31, 2023 Memorandum Decision and Order (ECF No. 9317). We are aware that certain attorneys met to discuss the common benefit fund issues, prior to the September 6, 2023 conference before Your Honor, but we were not included in that meeting, or any further discussions referenced in Mr. Bernard's letter.

We respectfully oppose Mr. Bernard's request for an ex parte, confidential conference before Your Honor, limited to unidentified lawyers and for the purpose of discussing an ambiguous set of issues, and note that a resolution of the common benefit fund issues will not be achievable if it does not address the interests of all relevant parties.

As always, we appreciate the Court's time and attention and welcome the opportunity to provide any information that may be of interest to the Court.

The Honorable Sarah Netburn
October 20, 2023
Page 2

Respectfully submitted,

COZEN O'CONNOR

By: /s/ Sean P. Carter

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On behalf of the Federal Insurance Plaintiffs

cc: All MDL Counsel of Record (via ECF)

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